

From: Lawrence, Rob
To: Larsen, Brent; Okpala, Maria; Chen, Isaac; Gillespie, David; Morefield, Wade (MARAD); Houston, Linden (MARAD); Fields, Yvette (MARAD); Borland, Curtis; Bachman, Roddy C CIV; McKittrick, Bradley CIV
Subject: USCG/MARAD discussion - NPDES permit for Texas Gulf Terminals
Start: Wednesday, July 25, 2018 2:00:00 PM
End: Wednesday, July 25, 2018 3:00:00 PM
Location: R6-ConfRm-Jaquarundi-09O15/R6---09th-Floor

(b) (6)

Discussion topic:

If you're available next Wednesday or Thursday, I'd like to have a brief discussion on Texas Gulf's position that it is not required to obtain a NPDES permit for its offshore activities (Vol. I, App. X of the application). I think I may be inclined to agree with them, but I know it's EPA's decision.

In brief, I think this because: 1) there are no discharges from the SPM buoy itself, 2) vessels are excluded from the definition of deepwater port, and 3) when the VLCC is on the buoy, it is only engaged in cargo loading, it remains a vessel in transportation, and it does not engage in a port related industrial function. Therefore no NPDES permit for the deepwater port is required.

This is in contrast to the LNG deepwater ports where the vessel is engaged in the industrial operation of either liquefaction or regasification of natural gas, which, in my view, takes it out of the category of a vessel in transportation and makes it a component of the deepwater port (so long as the industrial operation is ongoing). To my knowledge, all of the LNG ports have received NPDES permits for operations at the port that account for discharges from vessels when they are on the buoy.